

**Enrolled Minutes of the Sixtieth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, June 21, 2010**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, June 21, 2010 at 6:40 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the agreement with Alpine Amusements, the current provider of rides and some concessions for the annual Independence Day festival. The agreement provides for a four-year term. The discussion included whether or not such term was desirable.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 21, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; George Georgeff, Commander in Metropolitan Police; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were also present.

Also present: Ed Dabrowski of the Park and Recreation Board was present. Robin Carlascio of the Idea Factory, newsletter editor, was also present.

Minutes of the Previous Session

The minutes of the regular meeting of 07 June 2010 were approved by general consent.

Special Orders:

1. **Public Hearing on the Matter of Resolution No. 2010-23 in which the Town Council designated an Economic Revitalization Area (ERA).** The Economic Revitalization Area was designated by the Town Council for an area commonly known as 2440 45th Street in the Town of Highland, Indiana at its meeting of June 7, 2010. At the same meeting, the Town Council fixed the date of June 21, 2010 as the date to hear testimony, remonstrances and objections from persons affected by or interested in the designated Economic Revitalization Area.

The purpose of the Economic Revitalization Area (ERA) is to permit the Town Council as the designating body to offer in certain instances, the new tax value of real property improvements, new machinery or equipment to be added to the tax base gradually over a fixed period of up to ten years, while the taxpayer still pays the regular taxes on the property pre-improvement. This process is commonly called tax abatement. Before receipt of a specific proposal, it is a goal of the program to have a net increase of 3-5 full

- (a) Review of Proofs of Publication and required filings: Times 09 June 2010. The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.

- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken except from the petitioner, seeking tax abatement, Mr. Wayne Duiktenis, owner of Circle Buick/GMC, an automobile retailer. Mr. Duiktenis indicated it was his intention to bring ten new jobs to the Town.

Councilor Kuiper moved that the hearing be closed. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hearing was closed.

- (c) Consideration of **Resolution No. 2010-24:** A Resolution Confirming Designation of an Economic Revitalization Area for area commonly known as 2440 45th Street in the Town of Highland, Indiana. Councilor Kuiper moved the passage and adoption of Resolution No. 2010-24. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted and the Economic Revitalization Area as established was confirmed.

**TOWN OF HIGHLAND, INDIANA
RESOLUTION NO. 2010-24**

A RESOLUTION DESIGNATING AN ECONOMIC REVITALIZATION AREA AT 2440 FORTY FIFTH STREET

WHEREAS, Indiana Code 6-1.1-12.1 et seq.; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities and installation of new machinery and equipment in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, The Act provides that such Economic Revitalization Areas are areas within the Town which have:

"...become undesirable for, or impossible of, normal development, and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property", and

WHEREAS, The Act empowers the Town Council to designate Economic Revitalization Areas within the Town by following a procedure hearing, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of the Preliminary Resolution and a Final Resolution, and

WHEREAS, The Town Council adopted **Resolution 2010-23** fixing 7:00 PM, Monday, June 21, 2010 in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving remonstrances and objections from persons interested in or affected by the designation of a Economic Revitalization Area and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

WHEREAS, Notice of the public hearing was given to taxing units with a report consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed Economic Revitalization Area ten days prior to the public hearing; and

WHEREAS, Having conducted the public hearing on Monday, June 21, 2010, in which the Town Council received evidence concerning the Economic Revitalization Area, including all remonstrances and objections from interested persons, the Town Council now desires to take appropriate action regarding the designation of an Economic Development Area (ERA), based upon that evidence, the Statement of Benefits and the Council's independent investigation;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. That the Town Council hereby finds and determines that designation of 2440 Forty Fifth Street as an Economic Revitalization Area is consistent with its guidelines, endeavoring to create a positive image for the town through well designed, high quality development; to increase jobs and generate tax revenues through new development; to encourage development of business opportunities for all; to encourage private investment along Forty Fifth Street; to enhance district neighborhoods through increased well planned economic opportunities; and to aid in the elimination of incomplete or inappropriate land uses.

Section 2. That the Town Council hereby still further finds and determines as follows:

(a) That real estate located at 2440 Forty Fifth Street continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

(b) That the goal for a net increase of ten (10) full-time equivalent (FTE) jobs as set forth in the *Statement of Estimated Benefits* associated with the ERA designation can reasonably be expected to result within the *Economic Revitalization Area* with average salaries of \$29,500.00 per year from private investment that would not occur but for a property tax abatement incentive; and

(c) That the goal for a \$300,000.00 net increase in the assessed value of real estate can reasonably be expected to result within the *Economic Revitalization Area* from private investment that would not occur but for a property tax abatement incentive; and

(d) That the totality of the benefits expected increased private investment within the *Economic Revitalization Area* is sufficient to justify property tax deductions; and

(e) That in making the foregoing findings and determinations regarding designation of the real estate as an *Economic Revitalization Area*, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town.

(f) That the foregoing findings of fact are true, all information required to be submitted has been submitted in proper form and all requirements for approval of property tax abatement within the Highland Redevelopment Area have been met.

Section 3. That **Resolution 2010-23** adopted by the Town Council on June 7, 2010 is hereby confirmed and the real estate located at 2440 Forty Fifth Street as described in Exhibit A is hereby declared, designated and found to be an *Economic Revitalization Area*.

Section 4. That a property owner or owners within the *Economic Revitalization Area* who seek tax abatement must submit an application on a form approved by the Redevelopment Commission and a "Statement of Benefits" (Form SB-1) prescribed by the Indiana Department of Local Government Finance before installing new equipment or before the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. The application will establish standards to be used for evaluating applications for tax deduction that have a reasonable relationship to development objectives and design standards of the Redevelopment Commission.

Section 5. That along with the application, a fee shall be paid, hereby fixed in the amount of \$250.00 to defray actual processing and administrative costs.

Section 6. That as part of the consideration of all abatement applications, the Town Council will conduct a public hearing before making its decision whether or not to approve a deduction. The Town Council may approve a deduction period up to ten (10) years.

Section 7. That the Clerk-Treasurer is authorized and directed to file a copy of this resolution, including a description of the real estate as contained in **Exhibit A**, with the Lake County Auditor and the Indiana Department of Local Government Finance.

DULY RESOLVED and ADOPTED this 21st Day of June 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT A

Legal Description of 2609 Forty-Fifth Street

Lots #1 Brent Addition in the Town of Highland, Indiana

Lake County Parcel #45-07-33-101-005.000-026



2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the Cumulative Capital Improvement Fund in the amount of \$175,000; the Major Moves Fund in the amount of \$79,553.52; and Special Events Non Reverting Fund in the amount of \$1,200.

(a) Attorney verification of Proofs of Publication: The TIMES 09 June 2010. The Town Attorney stated that the proofs were in compliance with IC 5-3-1.

(b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken regarding the additional appropriation. Councilor Zemen moved to close the hearing. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2010-27:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the **Cumulative Capital Improvement Fund in the amount of \$175,000; the Major Moves Fund in the amount of \$79,553.52; and Special Events Non Reverting Fund in the amount of \$1,200**, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

Councilor Zemen introduced and moved the consideration at the same meeting of introduction of Enactment No. 2010-27. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of Enactment No. 2010-27. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
Enactment No. 2010-27

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the CUMULATIVE CAPITAL IMPROVEMENT FUND, MAJOR MOVES FUND, AND THE SPECIAL EVENTS NON-REVERTING FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Cumulative Capital Improvement Fund, Major Moves Fund, and the Special Events Non Reverting Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Cumulative Capital Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

CUMULATIVE CAPITAL IMPROVEMENT FUND

Acct. No. 4XX.XX Construction/Reconstruction of Streets:	<u>\$ 175,000.00</u>
Total Series:	\$ 175,000.00
Total for Fund:	<u><u>\$ 175,000.00</u></u>

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Major Moves Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MAJOR MOVES FUND

Acct. No. 4XX.XX Construction/Reconstruction of Streets:	<u>\$ 79,553.52</u>
Total Series:	\$ 79,553.52
Total for Fund:	<u><u>\$ 79,553.52</u></u>

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Events Non Reverting Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL EVENTS NON-REVERTING FUND

Acct. No. 3XX.XX Retail Sales Tax:		\$ 1,200.00
	<i>Total Series:</i>	\$ 1,200.00
	Total for Fund:	<u>\$ 1,200.00</u>

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 5. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 21st Day of June 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 21st Day of June 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for May 2010**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial	0	0	0	\$0.00	\$0.00
Buildings:					
Commercial	2	0	2	\$58,745.00	\$965.50
Additions or					
Remodeling:					
Signs:	2	0	2	\$6,700.00	\$604.00
Single Family:	1	1	0	\$225,000.00	\$2,707.00
Duplex / Condo:	0	0	0	\$0.00	\$0.00
Residential	0	0	0	\$0.00	\$0.00
Additions:					
Residential	72	72	0	\$286,767.00	\$7,957.00
Remodeling:					
Garages:	1	1	0	\$12,693.00	\$338.50
Sheds:	3	3	0	\$3,998.00	\$301.50
Decks & Porches:	6	6	0	\$11,290.00	\$1,071.50
Fences	19	19	0	\$56572.00	\$1,882.00
Swimming pools:	8	0	8		\$584.00
Drain Tile	3	3	0	\$15,187.00	\$373.00
/Waterproofing					
Misc. (raze a	3	3	0	\$0.00	\$284.00
garage):					
Total:	120	108	12	\$776,952.00	\$17,039.50
Electrical	19	16	3		\$1,688.50
Permits					
Mechanical	9	8	1		\$672.50
Permits					
Plumbing	5	4	1		\$641.35
Permits					
Water Meters	3	2	1		\$690.00

Water Taps	1	1	0	\$200.00
Sewer/Storm Taps	2	2	0	\$600.00
Total:	11	9	2	\$2,131.35

May Code Enforcement: 179 warnings issued and 8 citations were issued.

There were 41 building inspections, 17 plumbing inspections, and 33 electrical inspections. There were three (3) electrical exams given.

• **Fire Department Report for May 2010**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	10	42	24	
Car Fires	1	4	1	
Still Alarms	6	20	16	
Ambulance calls	0	0	0	

• **Workplace Safety Report for May 2010**

There was one incident reported in May. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2010	Total in 2009	Restricted Days 2010	Lost Workdays This Year	Restricted Days Last Year (2009)	Lost Workdays Last Year (2009)
Parks	0	0	2	0	0	0	0
Fire	1	1	0	0	0	0	0
Police	0	4	9	0	23	0	0
Street	0	0	4	0	0	0	0
Water & Sewer	0	0	4	0	0	18	82
Maint.	0	0	0	0	0	0	0
Other	0	1	0	0	0	0	0
TOTALS	1	6	19	0	23	18	82

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Resolution No. 2010-25:** A Resolution Fixing Monday July 19, 2010 as the Date for a Public Hearing Regarding An Application for Property Tax Abatement related to proposed construction of an addition to the structure located at 2440 - 45th Avenue, Highland, Indiana.

Councilor Zemen moved the passage and adoption of Resolution No. 2010-25. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND, INDIANA
RESOLUTION NO. 2010-25**

A RESOLUTION FIXING MONDAY, July 19, 2010 AS THE DATE FOR A PUBLIC HEARING ON AN APPLICATION FOR PROPERTY TAX ABATEMENT RELATED TO PROPOSED CONVERSION OF A SPORTING GOODS FACILITY AND WAREHOUSE TO AN AUTO DEALER FACILITY AT 2440 FORTY FIFTH STREET

WHEREAS, Indiana Code 6-1.1-12.1 et seq.; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, Property tax abatement, if approved, is applied as a deduction in the increase in assessed value that results from investment in new construction or rehabilitation of property; and

WHEREAS, On June 21, 2010, the Highland Town Council adopted **Resolution No. 2010-24** designating an Economic Development Revitalization Area at 2440 Forty Fifth Street (**Exhibit A**); and

WHEREAS, An application for property tax abatement for a conversion of a sporting goods facility and warehouse to an auto dealer (the "Project") to be located on premises legally described as Lots #1 of the Brent Addition in the Town of Highland, Lake County, Indiana a/k/a 2440 Forty Fifth Street (the "Real Estate") has been received from Mr. Wayne Druktenis d/b/a Circle Buick GMC a copy of which is attached and incorporated herein by reference (**Exhibit B**); and

WHEREAS, Said application proposes a \$500,000.00 conversion of a facility, minus \$200,000 less value of property being replaced, for a net increase value of \$300,000; that would bring ten (10) jobs to Highland with an estimated \$1,597,500.00 annual payroll; and that may not proceed but for approval of tax abatement by the Town Council; and

WHEREAS, \$1,510,400.00 is the most recent assessed value of the property that is the subject of this resolution, and

WHEREAS, \$1,810,400.00 million is the estimated assessed value of the property upon completion of the Project; and

WHEREAS, The Real Estate is located within an Economic Revitalization Area within the Town of Highland; and

WHEREAS, At a meeting held May 12, 2010, the Highland Redevelopment Commission found the proposed development to be consistent with its development objectives and design standards and recommended an abatement period of 10 years; and

WHEREAS, At a meeting held May 24, 2010, the Highland Economic Development Commission unanimously recommended designation of an Economic Development Target Area located at 2440 Forty Fifth Street to enable property tax abatement for retail uses; and

WHEREAS, The Act empowers the Town Council to approve a deduction as percentage of the increase in assessed value that results from investments in new construction or rehabilitation of property by following a procedure hearing and confirmation of a Preliminary Resolution, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of a Final Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. The Highland Town Council will consider an application for property tax abatement for the conversion of a building and improvement on the Real Estate, which is the subject of this resolution after a public hearing and upon adoption of a Final Resolution confirming this Preliminary Resolution.

Section 2. The Final Resolution shall limit the amount of deduction applicable for redevelopment of said Real Estate for a period of time not to exceed **ten** calendar years for net improvement costs of \$300,000.00, with a total assessed value of \$1,810,400.00.

Section 3. Pursuant to enabling authority provided at IC 6-1.1-12.1-2(h)(6), as a condition of approval for the deduction in assessed value, the applicant shall contribute \$4,000 to the Town of Highland at closing from loans proceeds secured for construction of the Project.

Section 4. The Town Council hereby fixes 7:00 PM, Monday, July 19, 2010 in the plenary Council Chambers, Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving testimony, remonstrances and objections from persons interested in or affected by the proposed property tax abatement and directs the publication of notice of said hearing in accordance with the requirements of applicable law. After the public hearing, the Town Council will consider a Final Resolution that would grant tax abatement consistent with conditions described in this Preliminary Resolution.

DULY RESOLVED and ADOPTED this 21st Day of June 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT A

Legal Description of 2440 Forty-Fifth Street

Lots #1 of the Brent Addition in the Town of Highland, Indiana
Lake County Parcel #45-07-33-101-005.000-026

EXHIBIT B

APPLICATION FOR TAX ABATEMENT ATTACHED



2. **Proposed Ordinance No. 1463:** An Ordinance Proposing the designation of an Economic Development Target Area to be coterminous with the boundaries of the Economic Revitalization Area just designated for 2609 45th Avenue to Enable Property Tax Abatement for Retail Uses.

Councilor Vassar introduced and filed the Ordinance. There was no further action.

3. **Proposed Ordinance No. 1465:** An Ordinance Amending the Highland Municipal Code Subchapter Payment of Claims, pursuant to I.C. 5-11-10-1.6, I.C. 36-1-3 et seq., IC 36-5-4-12 and other relevant Statutes, repealing all prior Ordinances in Conflict.

Councilor Zemen introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1465. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of Ordinance No. 1465. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1465
OF THE
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE AMENDING the HIGHLAND MUNICIPAL CODE SUBCHAPTER PAYMENT OF CLAIMS,
PURSUANT TO I.C. 5-11-10-1.6, I.C. 36-1-3 ET SEQ., IC 36-5-4-12 and OTHER RELEVANT STATUTES,
REPEALING ALL PRIOR ORDINANCES IN CONFLICT.**

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, I.C. 36-1-3-4(b) further provides that a unit has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, Federal and State laws obligate the employer to remit employee withholding funds by certain dates which may be prior to the date for formal approval and allowance of claims by the proper board having jurisdiction over such claim;

WHEREAS, Employee withholding funds are withheld from the gross pay of the employee for distribution to taxing authorities and other persons as directed by the employee;

WHEREAS, From time to time, the Town Council finds that payments from appropriated funds must be made as an emergency or exigent matter prior to formal approval of claims by the Town Council or the board of proper jurisdiction in order to insure the normal performance of municipal business;

WHEREAS, From time to time, the Town Council as well as other boards and commissions have accepted a bid, awarded a contract, or made a purchase, and payment from appropriated funds must be made prior to formal approval of claims by the Council or the board of proper jurisdiction in order to acquire the product or service;and

WHEREAS, I.C. 5-11-10-1.6 and IC 36-5-4-12 sets forth the procedures to be used to permit payment of duly filed accounts payable vouchers or bills and in some cases to permit payment in advance of board allowance provided that such payments are for lawful town purposes; and

WHEREAS, The Town Council has been reliably advised that passage and adoption of Ordinances Nos. 1182,1202, 1208,and 1435 ordinances dealing with the advance payment provisions of the municipal code, require revision and modification to further perfect the advance payment policy in support of the operation of the Town; and

WHEREAS, The Town of Highland, by its Town Council, now desires to further perfect its Subchapter on the payment of claims and make those reconciliations necessary to more perfectly express the intent of the legislative body, through the amendment of the Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 That the Subchapter styled as Claims Payments in Title III of the Highland Municipal Code, be amended by repealing it in its entirety, and replacing it with the following Subchapter to be now named Accounts Payable Payments in Advance of Formal Allowance and to be numbered section § 31.40 as indicated and which shall read as follows:

ACCOUNTS PAYABLE PAYMENTS IN ADVANCE OF FORMAL ALLOWANCE

§ 31.40 AUTHORIZED PAYMENTS BY THE TOWN CLERK-TREASURER.

(A) Authorized expenses. The Town Council approves and authorizes payments to be made by the Clerk-Treasurer in advance of formal Town Council **or other board or commission** allowance for the following types of expenses:

- (1) Property or services purchased or leased from:
 - (a) The United States government; or
 - (b) An agency or political subdivision of the United States Government; or
 - (c) The Government of the State of Indiana; or
 - (d) An agency or department or branch of the Government of the State of Indiana, including a body politic and corporate of the State.
- (2) License fees or permit fees;
- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) Federal grant programs if:
 - (a) Advance funding is not prohibited; or
 - (b) The contracting party provides sufficient security for the amount advanced.
- (6) Grants of state funds authorized by statute;
- (7) Maintenance agreements or service agreements;
- (8) Lease agreements or rental agreements;
- (9) Principal and interest payments on bonds;
- (10) Payroll;
- (11) State, federal, or county taxes;
- (12) The following additional expenses outlined in this section:
 - (a) Expenses incurred and identified by the Community Events Commission;
 - (b) Refunds which are in consequence of an unelective cancellation of a class or program by the Parks and Recreation Department;
 - (c) Vendor payments in support of recreation, or special events programs.
 - (d) Payments from the Traffic Violation Agency Fund;
 - (e) Payment of the funeral benefits outlined in IC 36-8-6-9.8(4) to heirs or estates of deceased retired members of the Metropolitan Police Department;
 - (f) Payments to such vendors or service providers, public or private, which have provided services or goods to the municipality and for

which a delay of payment incurs penalties or other late payment charges provide the following:

- (i) The delay in payment was not reasonably preventable in the ordinary course of work; and
 - (ii) The Town Council President and the Clerk-Treasurer concur in permitting the advance payment; and
 - (iii) This subdivision may be adopted by any governing board of the Town but may not be modified to omit the officers listed in (d)(ii).
- (g) Payments made from the Information and Communications Technology Fund provided such payments are lawful and made according to the purposes and guidelines of the fund.
- (h) Payments for the purchase of real estate provided that the purchase has been duly authorized and approved by action of the proper council, board or commission, the purchase price has been approved by action of the proper council, board or commission, and the purchase was executed in compliance with IC 33-24, IC 36-1-10.5, IC 36-7, IC 36-9 and IC 36-10 and other relevant laws.
- (i) **Expenditures for transfers or temporary loans in consequence of cash flow needs provided that the transfer or temporary loan has been duly authorized and approved by action of the proper council, board or commission.**

(B) Voucher required. Each payment of expenses outlined in division (A) must be supported by a fully itemized accounts payable voucher.

(C) **Other boards and commissions authorized. Unless** the board having jurisdiction over allowance of the accounts payable voucher **elects otherwise**, the Town Fiscal Officer may make payments in advance of formal allowance by the board having jurisdiction, for those expenses outlined in division (A) of this section, subject to the terms of this code.

(D) **Timely review.** The Town Council as town legislative body or the board having jurisdiction over allowance of the accounts payable voucher shall review and allow the payment at the body's or board's next regular or special meeting following the pre-approved payment of the expense.

Section 2. Repeal of Conflicting Ordinances. That the provisions of all other ordinances in conflict with the provisions hereof are of no further force or effect and are hereby repealed;

Section 3. Duration and Effective Date. That the provisions set forth in this ordinance shall become and remain in full force and effect from and after its passage and adoption, and until its repeal or subsequent amendment by proper ordinance, following the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 21st day of June 2010. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 21st Day of June 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2010-20: An Order of the Works Board Preliminarily Adopting and Approving Municipal General Improvement District Special Assessment Rolls for Property Owners Benefiting from the Idlewild Avenue Reconstruction Project.**

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2010-20. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board order was adopted.

**TOWN OF HIGHLAND
Order of the Works Board No. 2010-20**

**PRELIMINARY RESOLUTION FOR THE IDLEWILD DRIVE RECONSTRUCTION PROJECT AND
FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL
ASSESSMENTS FROM PROPERTY OWNERS BENEFITING FROM SUCH IMPROVEMENTS**

Whereas, pursuant to IC 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

Whereas, pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

Whereas, several residents of the **8700-8900 blocks of Idlewild Drive** have requested consideration of the Town of Highland to install concrete curbs and to replace substandard sidewalks; and

Whereas, the cost for curb and sidewalk replacement shall be paid for by the adjoining property owners based upon front footage of their property through a special assessment pursuant to the Special General Improvement District statute; and,

Whereas, the Town Council desires to proceed with the **Idlewild Drive Reconstruction Project** and to finance the portion of the cost of such projects relating to reconstruction of curbs and sidewalks (each such portion of a project, an "Improvement") through the Municipal General Improvement Fund; and

Whereas, the Town has retained Garcia Consulting to prepare plans and specifications for the **Idlewild Drive Reconstruction Project**; and

Whereas, the Town desires to finance the costs of the improvements pursuant to assessments to be collected from the property owners benefited by the respective proposed improvements as set forth in IC 36-9-36.

Now Therefore, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby makes a preliminary determination to proceed with the **Idlewild Drive Reconstruction Project** and to finance the cost of the improvements through the Municipal General Improvement Fund and the collection of special assessments from property owners benefited by the respective improvements pursuant to IC 36-9-36.

Section 2. That the Town Council hereby adopts the plans and specifications for the projects and directs the Project Engineer to place on file cross-sections, general plans and specifications for each of the improvements.

Section 3. That the Town Council hereby adopts the estimate of the maximum cost of each of the improvements attached hereto as Exhibit A and directs the Clerk Treasurer to place such estimate of maximum costs on file in the office of the Town Council.

Section 4. That the Town Council hereby determines to hold a public hearing regarding each of the improvements and whether the benefits that will accrue to the property liable to be assessed for the respective improvements will equal the maximum estimated cost of each of the improvements, which public hearing will be held at the regular meeting place of the Town Council at **7:00 P.M. on July 19, 2010**, and the Town Council further directs the Clerk Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the respective improvements.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 21st day of June, 2010 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

/s/Mark Herak, President

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

5. **Works Board Order No. 2010-21: A n Order Authorizing and Approving the Second Change Order to the Construction Contract related to the Ridgewood Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18.**

Councilor Novak moved the passage and adoption of Works Board Order 2010-21. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2010-21**

An Order Authorizing and Approving the Second Change Order to the Construction Contract related to the Ridgewood Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18.

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Ridgewood Avenue, with the project commonly known as the Ridgewood Avenue Reconstruction Project; and

Whereas, The Town Council has heretofore awarded a contract to Grimmer Construction, Incorporated for the Project on July 27, 2009 in the amount of Four Hundred Thirty-four Thousand Eight Hundred Forty-one Dollars and 89/100 Cents (\$434,841.89); and

Whereas, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

Whereas, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed second addendum to the original construction contract with Grimmer Construction, Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost; and

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board:

Section 1. That the Second Addendum to the Construction Contract with Grimmer Construction, Inc. for the **Ridgewood Avenue Reconstruction Project** as prepared by Garcia Consulting, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

Section 2. That this second addendum is hereby ordered to be known as **Change Order No. 2**, issued to *reduce the net cost* to the original agreement between the Town of Highland and Grimmer Construction Co., Incorporated in the amount of fifteen thousand, six hundred forty-two Dollars and 44/100 Cents (\$15,642.44), bringing the total value of the entire agreement with any and all change orders approved to date to Four Hundred eighteen Thousand, Two Hundred Two Dollars and 904/100 Cents (\$418,202.90);

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being Four Hundred Thirty-four Thousand Eight Hundred Forty-one Dollars and 89/100 Cents (\$434,841.89) which may not exceed Five Hundred Twenty-one Thousand Eight Hundred Ten Dollars and 27/100 Cents (\$521,810.27), all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered

DULY, PASSED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 21st day of June 2010 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of

HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

6. **Works Board Order No. 2010-22:** An ORDER AUTHORIZING and Approving the Second and Third change orders to the construction Contract SR-31459 related to the Cline Avenue Reconstruction Project, Northern Terminus at Ridge Road and southern Terminus at 45th Avenue, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18.

Councilor Zemen moved, seconded by Councilor Vassar, to pass and adopt Works Board Order No. 2010-22. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN OF HIGHLAND
ORDER of the WORKS BOARD NO. 2010-22

AN ORDER AUTHORIZING and APPROVING A SECOND AND THIRD CHANGE ORDER to the CONSTRUCTION CONTRACT SR-31459 RELATED to the CLINE AVENUE RECONSTRUCTION PROJECT, NORTHERN TERMINUS AT RIDGE ROAD AND SOUTHERN TERMINUS AT 45TH AVENUE, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18.

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Cline Avenue Reconstruction Project**;

Whereas, In the course of the construction, reconstruction, or repair of the Cline Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

Whereas, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as two (2) *proposed addenda* to the original construction contract, to be known as *the second and third addenda*, particularly in support of costs associated with items outlined and adjustment for road closure and detouring of traffic owing to finding that culvert by Cline Avenue Bridge renders it unsafe to remain open until its replacement, which has a net effect of increasing the contract cost; and

Whereas, There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described;

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Second and Third Addenda to the Construction Contract **SR-31459** for the **Cline Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, are hereby determined to be directly related to the original project and are hereby approved, adopted and ratified in each and every respect;

Section 2. That this second addendum is hereby ordered to be known as **Change Order No. 2**, issued to add net increases to the original agreement in the net increased amount of Two thousand, eight hundred four dollars and eighty-three cents (\$2,804.83);

Section 3. That this second addendum is hereby ordered to be known as **Change Order No. 3**, issued to add net increases to the original agreement in the net increased amount of Fifteen thousand, seven hundred fifty dollars and no cents (\$15,750.00);

Section 4. That the adoption and approval of change orders numbered two and three have the aggregate effect of producing a net increase of eighteen thousand, five hundred fifty-four dollars and eighty-three cents (\$18,554.83) bringing the total value of the entire agreement with any and all change orders approved to date to four million, one hundred seventy-three thousand, two hundred one dollars and eight cents (\$4,173,201.08) of which twenty percent (20%) is borne locally and eighty-percent (80%) is borne by the Indiana Department of Transportation);

Section 5. That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 6. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being four million, one hundred forty-five thousand, seven hundred seventy-nine dollars and thirty-one cents (\$4,145,779.31) which may not exceed four million, nine hundred seventy-four thousand, nine hundred thirty-five dollars and seventeen cents (\$4,974,935.17) all pursuant to IC 36-1-12-18(d);

Section 7. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered.

DULY, PASSED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 21st day of June 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2010-23:** An Order of the Works Board Accepting the Proposal of Alpine Amusement Company, Inc., to furnish, present and operate rides, concessions and attractions at Main Square for the Town of Highland, Associated with Independence Day and New Year's Eve Festivities, for the years 2012, 2013, 2014, and 2015.

Councilor Zemen moved, seconded by Councilor Vassar, to pass and adopt Works Board Order No. 2010-23. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2010-23**

An Order of the Works Board Accepting the Proposal of Alpine Amusement Company, Incorporated to Furnish, Present, and Operate Rides, Concessions, and Attractions Services for the Town of Highland, Associated with Annual Independence Day Festivities.

Whereas, The Town of Highland, as part of its exercise of public powers related to culture and recreation, generally conferred in IC 36-10-2, annually marks the anniversary of the Nation's declaration of Independence, with appropriate festivals;

Whereas, The Clerk-Treasurer, pursuant to §31.19(D)(10) of the HMC, serves as the Purchasing Agent for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality; and

Whereas, The *Alpine Amusement Company, Incorporated* of Naperville, Illinois has presented to the Community Events Commission a proposed agreement to *Furnish, Present, and Operate Rides, Concessions, and Attractions* services for the Town of Highland to be conducted on Independence Day and New Year's Eve;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of the proposed agreement for to *Furnish, Present, and Operate Rides, Concessions, and Attractions* services to the Town of Highland to be conducted on Independence Day, with dates to be determined for the years 2010, 2013, 2014 and 2015;

Whereas, These professional services owing to their unique requirements and character, as a service, may be purchased in a manner that is determined to be reasonable, pursuant to Section § 31.23 of the HMC and IC 5-22-6;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction; and

Whereas, The contact *involves a commitment for more than one year*, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency; and; and

Whereas, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1 That the proposal *Furnish, Present, and Operate Rides, Concessions, and Attractions* services of **Alpine Amusement Company, Incorporated**, 2648 Wild Timothy Road, Naperville, Illinois, 60564, prepared and presented by its proper representative, which includes furnishing of services for particular dates to be determined, for 2012, 2013 and 2014, and 2015 according to the written terms set forth in the proposal, is hereby accepted, approved and adopted in every respect;

Section 2. That the payments of \$200 for each concession booth to be operated on the grounds and the payment of thirty percent (30%) of the gross receipts of monies derived from the sale of admission tickets for various attractions and rides is found to be reasonable and fair for the services and frequencies described;

Section 3. That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, is both reasonable and appropriate, pursuant to Section § 31.23 of the HMC and IC 5-22-6;

Section 4. That the Clerk-Treasurer is hereby authorized to issue a purchase order, if applicable, to **Alpine Amusement Company, Incorporated** and to execute all documents necessary to implement the purchase of services thereof;

Section 5. That the proper officers of the municipality are hereby authorized to identify the several funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 21st day of June 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

A. The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$200.00.

Councilor Kuiper moved and Councilor Novak seconded to approved the payment of overtime for exempt workers. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The over time was approved.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.*

Councilor Zemen reminded all that the Independence Day Festival would take place at Main Square from June 30 to July 4, 2010.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison • Plan Commission member.*

Councilor Vassar recognized the Redevelopment Director who commented on the recent notice that the Hammond Plan Commission provided regarding a rezoning request with the River Park Property. She also reported on the efforts to seek Main Street designation.

Councilor Vassar commended the Idea Factory and the Gazebo Express Newsletter.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

Councilor Novak noted that Traffic Safety Commission is reviewing intersection safety. He also noted that Parks Department would be seeking a zoning appeal from the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper noted that the Fire Department was experiencing a high rate of response.

- **Councilor Mark Herak:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Council President Herak recognized the Public Works Director who reported on a recent storm in which there was a power loss but the generators keep the pumping stations operating, particularly at Lincoln Street Pump Station.

Council President Herak also commended the community picnic as part of the Centennial.

Comments from the Public or Visitors

There were no comments.

Payment of Accounts Payable Vouchers. Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period June 8, 2010 through to June 21, 2010. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives

and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$276,563.20; Motor Vehicle Highway and Street (MVH) Fund, \$21,909.60; Forfeited and Seized Assets Fund, \$400.00; Law Enforcement Continuing Education and Training Fund, \$577.05; Information and Communications Technology Fund, \$7,223.71; Solid Waste District Grant Fund, \$2,856.00; Civil Donation Fund, \$3,638.09; Special Events Non Reverting Fund, \$1,687.20; Centennial Commission Fund, \$2,390.00; Police Pension Fund, \$59,519.42; Cumulative Capital Improvement Fund, \$6,007.50; Municipal Cumulative Capital Development Fund, \$1,654.33; General Improvement Fund, \$12.00; Traffic and Law Violations Fund, \$287.00; Safe Neighborhood Fund, \$1,733.21; Municipal Cumulative Street Fund, \$5,023.50; Sexual Predator Grant Fund, \$30,500.00; Gaming Revenue Sharing Fund, \$26,640.33; Total: \$457,842.54.

Adjournment. Councilor Zemen moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, June 21, 2010** was adjourned at 7:39 O'clock p.m.

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, June 21, 2010 at 7:49 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, and Dan Vassar were present. Councilor Novak was absent owing to a work commitment. Councilor Kuiper was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council met with Mary Rakoczy, 9042 Parrish Avenue, Highland who is the current representative to the Lake County Convention and Visitors Bureau.

The discussion included exploration of how the Highland representative represents Highland on the Board. The discussion included consideration of the promotion of and the physical assets of the Town.

The discussion also included a review of Ms. Rakoczy's position's she has held while on the Board, which included serving as Treasurer and Vice President. The discussion included an examination of the nature of compensation for employees of the Bureau.

There being no further business before the Town Council, the Study Session following the regular meeting of Monday, June 21, 2010, was adjourned at 8:30 p.m. o'clock.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer